

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 21, 2006 PLANNING COMMISSION MEETING

P.A.S.: Co Change of Zone #05080,

PROPOSAL: A Change of Zone from AG to AGR.

LOCATION: Northeast of SW 29th & W. Martell Road

LAND AREA: 21.00 acres, more or less (total lot size, under both jurisdictions - about 7.9 acres in Sprague's jurisdiction and 13.1 acres in Lancaster County).

CONCLUSION: This is shown as agriculture in the 2025 Lincoln Lancaster County Comprehensive Plan and as Agriculture in the 1977 Sprague Comprehensive Plan. Therefore, the change of zone application should be denied. However, we have been advised that the Village of Sprague has approved the area in their jurisdiction to AGR. Action by the Village of Sprague should be the deciding factor since close to one third of this is in the Sprague one mile jurisdiction. **Based on the village approval, this should be approved by the county.**

<u>RECOMMENDATION:</u>
Co. Change of Zone #05080 to AGR
Approval

GENERAL INFORMATION

LEGAL DESCRIPTION: That portion in the county jurisdiction of, Lots 59 and 74 I. T. in the S ½ of Section 21, T8N, R6E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture (AGR in the Sprague jurisdiction).

EXISTING LAND USE: Farm land/pasture

SURROUNDING LAND USE AND ZONING: County AG zoned to the north and west. Agricultural to the north and west and an NRD lake to the N.W.. Residential, AGR and Industrial to the south. Unincorporated settlement of Martell adjacent to the south.

HISTORY Sprague is reported to have zoned their portion of these lots AGR in 2006. The County portion of this property was changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update. Sprague zoned their portion as AGX in 1977.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture. This is outside Lincoln's growth Tiers and in split jurisdiction with the Sprague one mile ETJ. In relation to acreages, the Comprehensive Plan states:

The land use plan also displays the generalized land use plans for other incorporated places within the county. These include the cities of Waverly and Hickman, and the villages of Malcolm, Raymond, Davey, Denton, Bennet, Sprague, Roca, Panama, Hallam and Firth.

In many circumstances the land use categories in these plans were different than the categories used in the Lincoln/Lancaster County Comprehensive Plan. In such instances, adjustments were made for the purposes of this display so that the land uses followed those used in the City-County Comprehensive Plan. These communities and their specific adopted plans should be consulted as the source for decisions within their zoning jurisdictions. Their plans are displayed in order to better coordinate the land use plans for the County as a whole with those of individual towns.

In addition, Waverly and Hickman requested that their goals for the area two miles outside their community be included in the Lincoln/Lancaster County Comprehensive Plan. These communities only have jurisdiction over a one mile planning area. Their proposed land uses are generally compatible with the principles of this Comprehensive Plan and thus are reflected on the land use plan. It should be noted that these areas remain within the current planning and zoning jurisdiction of the city and county and are thus subject to reconsideration and change by Lincoln and Lancaster County. (F 28)

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

The Sprague Comprehensive Plan shows this area as "Agricultural". This request appears to be in conflict with the Sprague Comprehensive Plan. However, the Sprague Village Board is reported to have approved their area to AGR.

UTILITIES: This is in a rural water district.

TOPOGRAPHY: Rolling, sloping to the south.

TRAFFIC ANALYSIS: This is served by West Martell Road and S.W. 29th Street. S.W. 29th Street is a gravel county road. W. Martell Road is a paved county road. S.W. 14th to the east is a paved State Spur connecting Hwy 33 to Sprague.

PUBLIC SERVICE: This is in the Southwest Rural Fire District (Advance Life Support with a station located next to this site) and the Crete (Saline) School District #2. This is served by the Lancaster County Sheriff's Department. Lancaster Rural Water District #1 serves the area.

REGIONAL ISSUES: Expansion of the acreage areas. Development around towns.

ENVIRONMENTAL CONCERNS: The Historic and Ecological resources survey shows no resources on this site. The soil rating on this land is 5.6 on a scale of 1 to 10 where 1 to 4 are prime soils. This is not prime ag land. Cottontail lake is about ½ mile northwest of this site.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All uses allowed in the AG district. One house on each existing lot.

ANALYSIS:

1. This request is for a Change of Zone from AG to AGR (in both the Lancaster County and Sprague jurisdictions). A preliminary plat and special permit are currently on hold for this parcel.
2. This is in split jurisdiction between Sprague and Lancaster County. About the south 1/3 is in the Sprague one mile jurisdiction and the north 2/3 is in Lancaster County jurisdiction.

3. The area in Sprague's jurisdiction requires Village approval to a change of zone and any future plat. The Sprague AGR zoning district is a 5 acre minimum lot size and the Lancaster County AGR requires a minimum lot area of three (3) acres. Lots of split jurisdiction must meet both zoning and subdivision regulations of the village and county.
4. Individual water and sewage disposal was proposed. This is in Lancaster Rural Water District #1.
5. This request is not in conformance with either the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture on the Comprehensive Plan of the Village of Sprague. Parallel applications have been made and it is our understanding that the Village of Sprague has approved the change of zone in their area.
6. The Health Department notes no objection.
7. Norris Public Power has no problems.
8. The County Engineer letter of November 5, 2005, notes no direct objection.
9. The existing AG/AGX zoning would allow two dwellings (one per lot). The density calculations for the project with the change of zone are as follows;

County AGR 13.4 acres / 3 acres	=	4.37 dwellings
Sprague AGR 7.9 acres / 5 acres	=	1.58 dwellings

Permitted with the change to AGR 5 dwellings

10. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
Private wells were proposed. This is in a rural water district. Rural water may be available.
 - b) Road access and paving,
There is pavement via West Martell and SW 14th Street. S.W. 29th Street is a gravel county road.
 - c) Soil rating,
The soil is not prime ag land of the county.
 - d) Development of the area/land parcelization,

The land to the south is substantially split into smaller urban/acreage parcels. The area to the north and west are still in larger parcels.

e) Existing acreages,

There is urban/acreage development immediately to the south.

f) Conflicting farm uses,

There are no farm feeding operation or other conflicting farm uses noted. The Bentzinger feed operation to the south is the closest potential source or pollution or hazard.

g) Environmental issues,

There is no flood plain on this site. There is an NRD lake to the north Cottontail lake, 148 acres with 23 acres of water surface).

h) Impact on other governmental entities,

This will increase demand for service on the Sheriff, Rural Fire, School and others and increased traffic on rural roads. The level of impact is not known.

i) Plans of other towns,

This does not appear to meet the Sprague Plan. However, Sprague is reported to have approved this application.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

Planner

July 06, 2005

APPLICANT: Marcia Kinning, E-S-P
601 Old Cheney Rd., Suite A
Lincoln, NE 68532
(402) 421 - 2500

OWNER: Dutch Bentzinger
Bentzinger Grain & Equipment
17700 S. 1st Street
Martell, NE 68404
(402) 794 5455

CONTACT: Marcia Kinning, E-S-P
(402) 421 - 2500

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2005 aerial

Change of Zone #05080 **SW 29th St & Martell Rd**

W Roca Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Pennant Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 21 T08N R6E



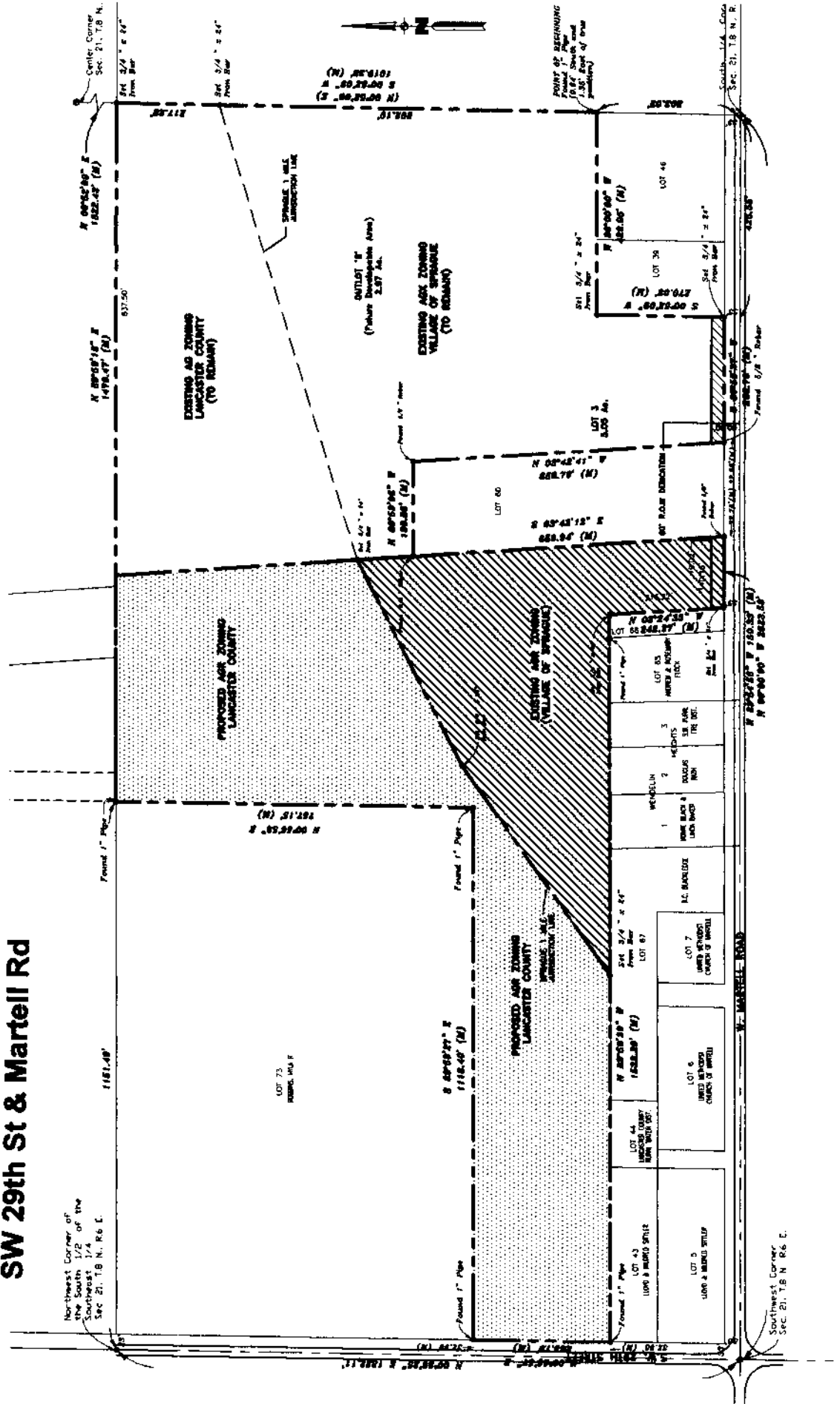
Zoning Jurisdiction Lines
 City Limit Jurisdiction

SW 29th St

SW 14th St

W Martell Rd

**Change of Zone #05080
SW 29th St & Martell Rd**



MARTELL DEVELOPMENT

CHANGE OF ZONE

'AG' TO 'AGR' (LANCASTER COUNTY)

LEGAL DESCRIPTION

A metes and bounds description of a portion of Lots 59 and 74 all located in the South 1/2 of Section 21, T.8N., R.6.E. of the 6th P.M. Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southwest Corner of Lot 73 located in Section 21, T.8N., R.6.E.:

Thence N 89°59'27" E, 1118.40 feet;

Thence N 00°56'52" E, 757.15 feet;

Thence N 89°59'18" E, 477.76 feet;

Thence S 03°42'12" E, 513.57 feet;

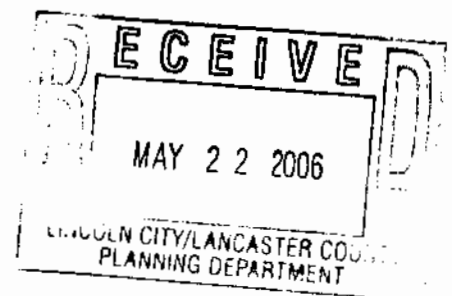
Thence S 63°00'40" W, 488.58 feet;

Thence S 54°37'29" W, 540.52 feet;

Thence N 89°59'39" W, 770.56 feet;

Thence N 00°56'57" E, 289.79 feet; to the Point of Beginning containing 13.92 acres more or less.

Change of Zone #05080
SW 29th St & Martell Rd



U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

NOV 16 2005



**BRIAN D.
CARSTENS
ASSOCIATES**

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

1 OLD CHERRY ROAD
HISTORIC
LINCOLN, NE 68512

PHONE: (402) 434-3434
FAX: (402) 434-067
WWW.CARTONMILK.COM

MARTELL
EVERY OPINION

PRELIMINARY
PLAN

AND
COMMUNITY
UNIT PLAN

5. W. 29TH &
MARTELL ROAD

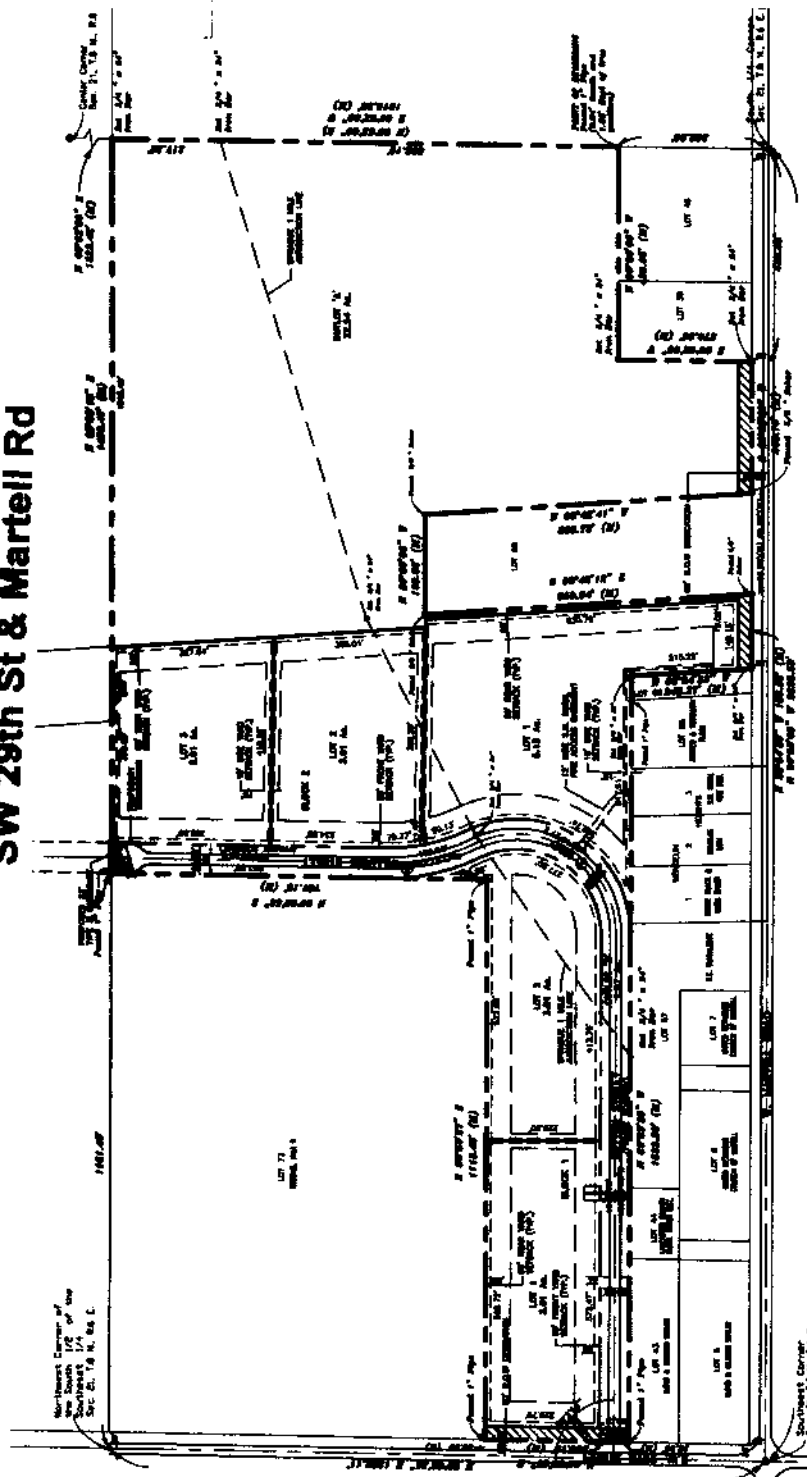
**SITE
PLAN**



SCALE: 1"=100'

DATE: 11/20/04
050004 170004

1 OF 4



Concept Plan.

LEGAL DISCRETION

A **COULD** and **SHOULD** statement is a promise of best behavior in the future. (C) is better. (D) is the one the FBI would expect. Apparently, only extremely thorough or intense investigation would lead to the discovery of the hole. (E) is better. It is not necessary to be extremely thorough to find out about the hole. (F) is better. It is not necessary to be extremely thorough to find out about the hole. (G) is better. It is not necessary to be extremely thorough to find out about the hole. (H) is better. It is not necessary to be extremely thorough to find out about the hole. (I) is better. It is not necessary to be extremely thorough to find out about the hole. (J) is better. It is not necessary to be extremely thorough to find out about the hole. (K) is better. It is not necessary to be extremely thorough to find out about the hole. (L) is better. It is not necessary to be extremely thorough to find out about the hole. (M) is better. It is not necessary to be extremely thorough to find out about the hole. (N) is better. It is not necessary to be extremely thorough to find out about the hole. (O) is better. It is not necessary to be extremely thorough to find out about the hole. (P) is better. It is not necessary to be extremely thorough to find out about the hole. (Q) is better. It is not necessary to be extremely thorough to find out about the hole. (R) is better. It is not necessary to be extremely thorough to find out about the hole. (S) is better. It is not necessary to be extremely thorough to find out about the hole. (T) is better. It is not necessary to be extremely thorough to find out about the hole. (U) is better. It is not necessary to be extremely thorough to find out about the hole. (V) is better. It is not necessary to be extremely thorough to find out about the hole. (W) is better. It is not necessary to be extremely thorough to find out about the hole. (X) is better. It is not necessary to be extremely thorough to find out about the hole. (Y) is better. It is not necessary to be extremely thorough to find out about the hole. (Z) is better. It is not necessary to be extremely thorough to find out about the hole.

SUMMARY STATEMENT

THE UNIVERSITY OF CHICAGO PRESS

1

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CURRENT DATA

① ②

PROPERTY CALCULATIONS

Estimated Quantity Available
 Monthly Supply = 12.5

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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alt. $\frac{1}{2}$ inch = 11.43 mm

□

REDACTED

重要事項

**STUDYING WITH A
VALENTIN**

RESEARCH

Table 1

RESEARCHER'S NAME

1997

[illegible]



May 22, 2006

Mr. Mike Dekalb
County Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500

Fax (402) 421-7096

Email: lyle@espeng.com

RE: MARTELL DEVELOPMENT – CHANGE OF ZONE
S.W. 29TH & WEST MARTELL ROAD

Dear Mike,

On behalf of Martell Development Corporation, we would like to resubmit a revised boundary and legal description for the existing change of zone request from 'AG' to 'AGR'. We are now requesting a Change of Zone within the Lancaster County jurisdiction up to the east line of the old railroad right-of-way (Lot 59)

Recently the Village of Sprague allowed the Change of Zone from 'AGX' to 'AGR'. The change of zone consisted of area within the Village of Sprague one-mile jurisdiction up to the east line of the old railroad right-of-way (Lot 59).

Please feel free to contact me if you have any further questions.

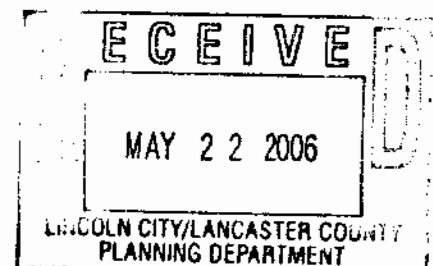
Sincerely,

A handwritten signature in black ink, appearing to read 'Marcia L. Kinning', with a stylized flourish at the end.

Marcia L. Kinning

cc: Dutch Bentzinger

Enclosures: Change of Zone Exhibit
Legal Description





"Jill Schuerman"
<jill@carstensandassociates.com>

12/08/2005 03:03 PM

To "Mike Dekalb" <mdekalb@lincoln.ne.gov>

cc "Lyle Loth" <lyle@espeng.com>, "Jean Walker"
<jwalker@ci.lincoln.ne.us>

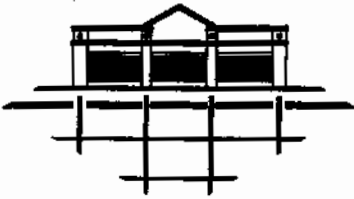
bcc

Subject Martell Development

Mr. Mike DeKalb-

On behalf of my client Martell Development we are requesting that we be put on pending until such time that we can work with the Village of Sprague to address our zoning concerns. Thank you for assistance with this matter.

Jill Schuerman
Brian D. Carstens & Associates
601 Old Cheney Road
Suite 'C'
Lincoln, NE 68512
402-434-2424



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 22, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: MARTELL DEVELOPMENT - CHANGE OF ZONE
S.W. 29TH & WEST MARTELL ROAD

Dear Marvin,

On behalf of Martell Development Corporation, we submit the above-mentioned application for your review. We are requesting a Change of Zone from AG to AGR. Recently the Village of Sprague allowed the Change of Zone from AGX to AGR. With that change of zone to AGR, it allows us to build five-acre lots within the Village of Sprague one-mile jurisdiction.

Because our overall boundary is only 42.97 acres, we are requesting a Change of Zone within the Lancaster County jurisdiction from AG to AGR. That would allow us to build our proposed four (4) three-acre lots within the Lancaster County Jurisdiction.

Our density would allow us to build five lot within the Lancaster County jurisdiction and five lots within the Sprague Jurisdiction; however, we are currently requesting approval of four lots within the Lancaster Jurisdiction and one within the Sprague Jurisdiction.

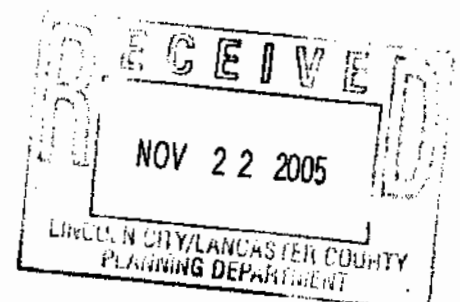
We look forward to working with staff on this project. Please feel free to contact me if you have any further questions.

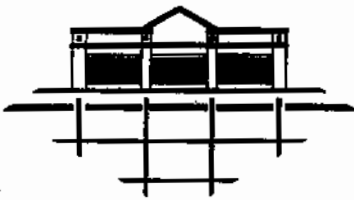
Sincerely,

Jill D. Schuerman

cc: Dutch Bentzinger

Enclosures: Application for a Change of Zone
Application Fee -\$370.00
Change of Zone Exhibit

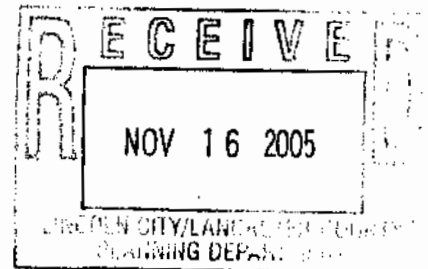




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 15, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: MARTELL DEVELOPMENT - ~~PRELIMINARY PLAT &~~
SPECIAL PERMIT - C.U.P.
S.W. 29TH & WEST MARTELL ROAD

Dear Marvin,

On behalf of Martell Development Corporation, we submit the above mentioned application for your review. Martell Development is a proposed AG/ C.U.P. on approximately 42.97 acres. We are showing 5 single family acreage lots, containing a minimum of 3.01 acres within the Lancaster County Jurisdiction and 5.01 for the lots within the Sprague/Martell Jurisdiction. Each lot will be served with water well and individual septic systems. The private roadway will be constructed to meet Lancaster County design standards.

We have 'clustered' the 5 lots close to S.W. 29th Street and the balance of Outlot 'A' can continue to be farmed.

We are requesting waivers to the Land Subdivision Ordinance to waive sidewalks, street trees, street lighting, landscape screening, block length, as each lot is larger than 1 acre and this project will not be annexed into the City of Lincoln at this time. We are also requesting a waiver of block length because of the acreage development.

Because this property is a split jurisdiction, we will be submitting this application also to the Village of Sprague for review and approval.

We look forward to working with staff on this project. Please feel free to contact me if you have any further questions.

Sincerely,

Jill D. Schuerman

cc: Dutch Bentzinger

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb **DATE:** December 5, 2005
DEPARTMENT: Planning **FROM:** Chris Schroeder
ATTENTION: **DEPARTMENT:** Health
CARBONS TO: EH File **SUBJECT:** Martell Development
EH Administration CZ #05080

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of this application.



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090

DEC 12 2005

December 9, 2005

Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: Martell Development zone change

Dear Mike,

The Norris District has no problems with the zoning change.

Thanks for your cooperation.

Sincerely,

Rick Volmer, Staking Engineer

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: November 28, 2005

TO: Mike DeKalb
Planning Department

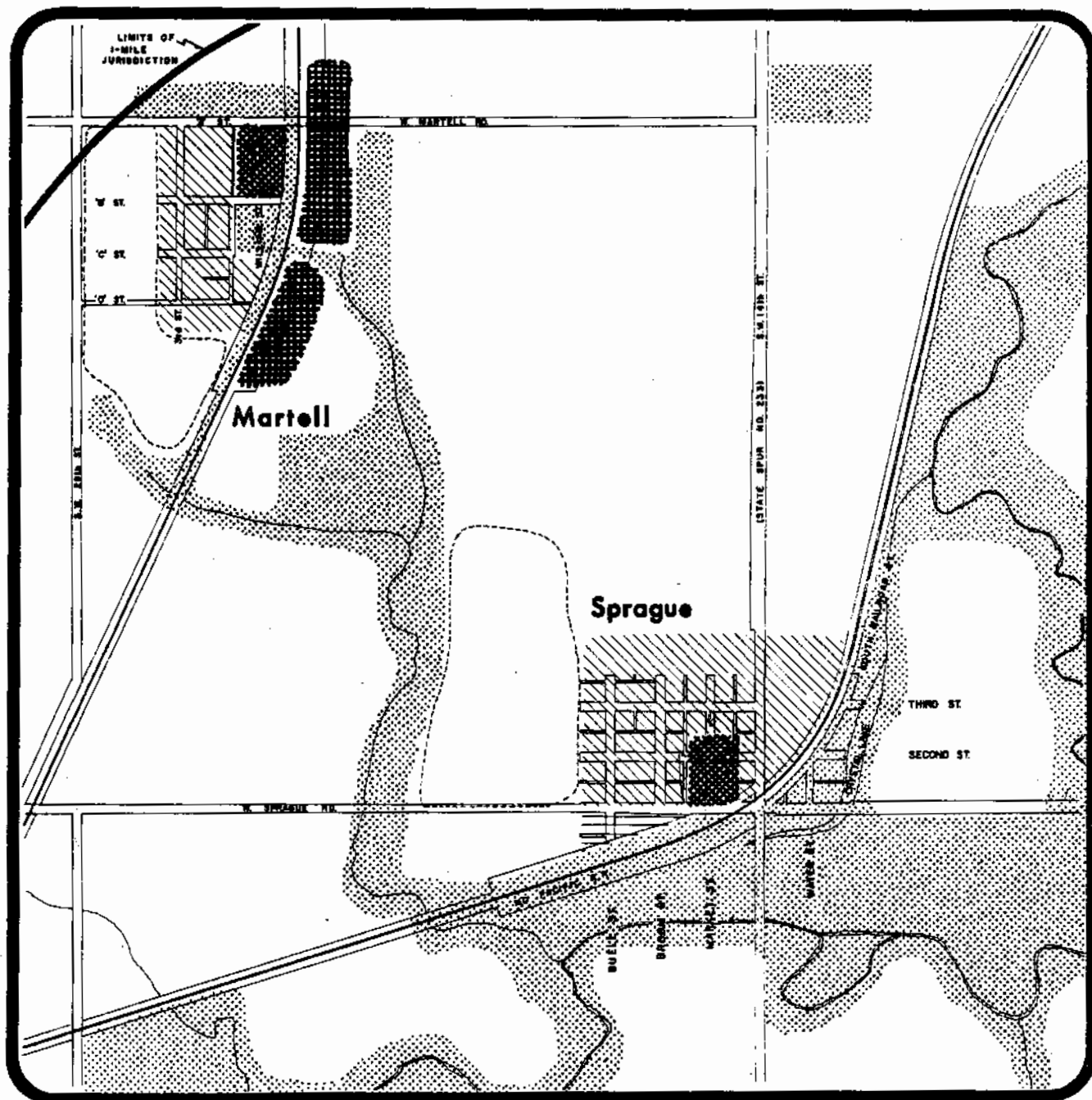
FROM: Larry V. Worrell
County Surveyor

SUBJECT: CHANGE OF ZONE NO. 05080
MARTELL DEVELOPMENT - SW 29TH ST. & WEST MARTELL RD.

NOV 29 2005

Upon review, this office has no direct objections to this submittal.

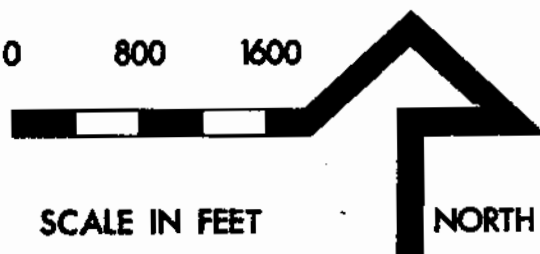
LVW/bml



- Agriculture
- Agriculture / Residential Reserve
- Residential
- Mobile Home
- Commercial
- Industry
- Public, Semi-Public & Open Space

SPRAGUE - MARTELL
1972
COMPREHENSIVE DEVELOPMENT PLAN

0 800 1600



LAND USE PLAN

MAP 5

VILLAGE OF SPRAGUE

P.O. Box 47

Sprague, NE 68438

Action on Change of Zone request from AGX to AGR submitted by Donald Finney for property located in the SW 1/4 of Section 21, Township 8N, Range 6E of the 6th P.M., Lancaster County, NE. This involves the SE corner of Lot 74 which resides in the Village of Sprague jurisdiction. and the South Portion of Lot 59 which resides in the Village of Sprague jurisdiction.

Recommendation by Village Board of Trustees to approve the Change of Zone subject to Lancaster County Board approval of Change of Zone

Dated this 2 day of August, 2005

Bruce Mahler
Chairman of the Board

Patricia A Smith
Village Clerk

Approval for Change of Zone by Lancaster County Board

Dated this _____ day of _____, 2005

Lancaster County Board Representative